

Docket No. F-7948

Ser. No. 10/658,027

REMARKS

Claims 1 - 8 remain in this application. Claims 1 - 8 are rejected. Claims 1 - 8 are amended herein to clarify the invention, to express the invention in alternative wording, to more particularly point out and distinctly claim the subject matter which the Applicants regard as the invention, and to address matters of form unrelated to substantive patentability issues. No new matter is added to any of the claims by the amendments made thereto herein. Support for all of the amendments is found in the original specification.

The amendments to the claims presented herein are all believed to further patentably distinguish the method of the present invention over that of the cited reference and to place the claims in allowable condition without raising any new issues and without requiring further search or examination by the Examiner.

In the Office Action, previous claims 1 - 8 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,282,350 to Crowley ("Crowley"). The Examiner is alleging that Crowley discloses a method for the production of administration forms that includes each and every one of the steps of the method according to the present application.

Applicants respectfully submit that the claims, both as previously presented and as amended by the present Amendment, patentably distinguish over Crowley for the following reasons.

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Claim 1 has been amended to further recite subject matter which the Applicants regard as the invention, specifically that the method includes a step of positioning an empty, pre-opened dispenser in a filling position prior to performing the cutting step. The filling position of the dispenser is downstream of the cutting device and the open side of the dispenser faces the leading end of the multilayered strand. The step of positioning the dispenser in the filling position prior to conducting the cutting step ensures that the free leading end of the stack, obtained after the cutting step, can be inserted into the open side of the dispenser and the stack can be transferred directly into the dispenser after cutting.

Support for this amendment is found in original drawing Figure 1 and in the original specification at page 4, lines 2 - 4 and page 5, penultimate line to page 6, lines 1 - 7.

In contrast, Crowley does not teach, disclose, or suggest a step of disposing an empty, pre-opened container in a filling position as recited according to step of of claim 1 as currently amended.

Crowley does not provide any disclosure regarding spatial orientation of the empty envelopes, into which the folded sheets are to be inserted, or that the envelopes should have an open side facing toward the leading end of the web.

In Crowley, the step of inserting the folded sheets into envelopes occurs in an inserter section (52) (see reference at col. 4, lines 8 - 10). In Fig. 1 of

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Crowley, the spatial orientation of the empty envelopes is not known inasmuch as the interior of the unit in which this step takes place is not shown, nor is this aspect of the operation discussed in the specification. In any case, from the drawing and the most closely related description provided in the reference at col. 4, lines 8 - 10, it is readily apparent to a person of ordinary skill in the art that Crowley does not utilize the step of the present invention as recited according to amended claim 1 of the application wherein the empty envelopes are first brought to a filling position in which the open side of the envelopes face the leading edge of the web prior to the cutting step. In Crowley, the leading edge of the web faces a folder (50), but not an open envelope (reference at col. 4, lines 3 - 7 and Fig. 1).

In Crowley, the inserter section (52) (or filling position) is disposed underneath and at a distance from the conveyor (44) and folder (50) (see ref. Fig. 1). For this additional reason, it cannot be said that the open side of the envelopes face the leading end of the web as in the present method.

According to herein amended claim 1 of the present application, an open dispenser is positioned at a filling position in step (c) prior to performance of the cutting step in step (d). The multilayered stack which is produced in the cutting step is inserted at step (e) into the same dispenser which has been positioned in step (c).

Crowley does not teach, disclose, or suggest the performance of such a sequence of steps according to the method of that reference. In Crowley, the the

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sheet material is cut into separated stacks of sheets prior to the stacks sequentially arriving at the inserter unit (52) after having been folded at the folder unit (50) (see ref. Fig. 1). Thus, in Crowley, the individual stacks are transported to the filler/inserter position after cutting and folding. In the method of the present application, by contrast, an empty dispenser is arranged at the filling position prior to the cutting step. In the method of the present application, unlike in Crowley, therefore, a separate step of transporting the stack to the filling position is not required.

With regard to the Examiner's remarks at numbered paragraph 4 of the present Office Action that Applicants' earlier arguments regarding Crowley not disclosing "administration forms" containing substances to be administered and that while such limitations are discussed in the specification but not specifically recited in the claims so that no patentable weight has been given to them, Applicants respectfully call to the Examiner's attention that the term "administration forms" as used in the present application is a particular term of art in the field of preparation and packaging of pharmaceutical doses, the field of art to which the present invention pertains. A person of ordinary skill in the art would therefore recognize that the term refers to individually packaged pharmaceutical dosages and in no way pertains to mere paper forms for "administrative" (i.e., clerical) purposes, which in contrast, is the field of art to which Crowley applies.

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Accordingly, Applicants respectfully submit that the claims do not have to separately recite that the "administration forms" contain substances, e.g., individual dosages of active pharmaceutical substances. Therefore, Applicants are entitled to have the claims interpreted in view of the particular meaning attached to terms used therein by those of ordinary skill in the appropriate art, i.e., that "administration forms" in the pharmaceutical context are understood to contain dosages of substances such as active pharmaceutical and pharmacological agents. Applicants respectfully request that the Examiner take official notice of the particular usage of and meaning attached to the term "administration forms" in the context of the present application. Applicants maintain that the claims drawn to the present invention further patentably distinguish over Crowley in this regard.

Therefore, Crowley does not teach, disclose, or suggest a process in which an empty container or dispenser is arranged in a filling position as is recited according to step (c) and prior to execution of the cutting step of step (d) of amended claim 1 of the present application. Accordingly, Crowley does not anticipate the method of the present application. Applicants respectfully request that the 35 U.S.C. 102(b) based anticipation rejection over Crowley be withdrawn. Applicants further submit that such rejection is not applicable to any of the claims pending in the application after entry of this Amendment, and ask that the rejection not be applied to such claims.

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In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

In the event that the Examiner declines to enter this Amendment on the grounds that it allegedly raises new issues and/or requires further searching and/or examination, or if the Examiner elects to enter and consider this Amendment but remains unpersuaded as to the allowability of all of the claims, it is respectfully requested that the Examiner timely issue an Advisory Action advising Applicants of the status of the application so that Applicants may have the time necessary to decide on any further course of action, such as the filing of a Notice of Appeal or a Request for Continued Examination (RCE).

No additional claims fees are due with the filing of this Amendment.

This Amendment is being filed within the original three month shortened statutory period for response. Therefore, a Request for an extension of time is not required and no fee for an extension of time is presently due.

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No fees are believed due with the filing of this Amendment. If, however, any fees are due, or if Applicants are entitled to a refund of any previously made overpayments, they should be respectively charged and credited to Deposit Account No. 10 -1250.

Respectfully submitted,

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